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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/611,383

**Applicant(s)**

SIMPSON, ANITA HOGANS

**Examiner**

Marisol Figueroa

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/20/2009 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection. See rejection below.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claim 26** is rejected under 35 U.S.C. 102(b) as being anticipated by WELLER et al. (US 6,266,399).

**Regarding claim 26**, Weller discloses a computer apparatus for providing selected status announcements from a wireless telephone user to a caller, the computer comprising:

a storage medium, readable by a processing circuit in the computer apparatus, storing instructions for execution by the processing circuit (See Fig. 1; references 18-19), causing the computer apparatus to perform a method comprising:

receiving an incoming telephone call from a particular caller of a plurality of callers; and based on a particular caller identification being on a set date and at a set time, making a determination that an automatic answering mode applies to the particular caller having the particular caller identification (Fig. 3; col. 25-62; col. 4, lines 11-57; an incoming call is automatically responded with an identified outgoing message when there is a match in caller identification and the call is within a time/date constraint listed, see figure 3).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-4, 8-11, 15-18, 21, 22, 24, and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over PETERS et al. (US 2003/0003926 A1) in views of MARUTIAK (US 5,568,546), IRVIN (US 6,418,211), BROUSSARD et al. (US 2003/0210771), and WELLER et al.

**With respect to claims 1 and 22**, Peters discloses a method (and system) for providing selected status announcements from a wireless telephone user to a caller, said method comprising:

receiving an incoming telephone call from a caller; responsive to a determination that an automatic answering mode applies to the incoming call: receiving a pre-selected announcement action corresponding to said incoming telephone call; and performing said pre-selected announcement action wherein if said pre-selected announcement action includes a hold

announcement then answering said incoming telephone call by providing the caller with the hold announcement (Abstract; paragraphs [007], [0031]-[0033]; the wireless telephone receives an incoming call and then determines whether the user has placed the phone in automatic call answering mode, then the phone answers the incoming call by providing the calling party with a pre-recorded message (i.e., pre-selected announcement) indicating that the user will take the call momentarily and instructing the calling party not to hang-up (i.e., hold announcement)), wherein the hold announcement is selected from a list (paragraph [0033]; several messages may be available (i.e., list of messages) for selection by a user).

Peters does not particularly disclose wherein the list is sorted based on frequency of use.

However, Marutiak teaches the features of sorting a list based on frequency of use (Abstract, lines 1-12; col. 1, lines 40-55; a telephone terminal maintain a list of dialed telephone numbers and the list is sorted such that the most frequently used telephone numbers will be displayed at the top). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Peters to include the features of sorting the list of messages based on frequency of use, as suggested by Marutiak, since such a modification would facilitate the selection of a message from a list given that the most frequently used messages are displayed on top.

Peters, in addition discloses responsive to a determination that a manual answering mode applies to the incoming call: receiving a user-selected announcement action selected by said user from a list of announcement actions, said user-selected announcement action selected in response to receiving said incoming telephone call; and performing said user-selected announcement action including: if said user-selected announcement action includes said hold announcement

then answering said incoming telephone call by providing the caller with the hold announcement; and if said user-selected announcement action includes a call-back announcement, then providing the caller with the call-back announcement and disconnecting the telephone call (paragraph [0041]);

and responsive to a particular caller identification associated with a particular caller, sending the incoming call to a voice mail system (paragraph [0034] lines 9-10; if the caller ID reveals a non-urgent call, the user can allow a voice mail system to answer the call).

But, Peters does not particularly disclose wherein the incoming call associated with a particular caller is sent to a voice mail system without alerting the user of the incoming call based on the particular caller identification; and

wherein the particular caller sent to the voice mail system without alerting the user is provided with a specific voice mail announcement pre-selected for the particular caller.

However, Irvin teaches sending an incoming call to a voice mail system without alerting the user of the incoming call based on the particular caller identification (Fig. 2; col. 4, lines 45-61; incoming calls with a caller ID number found in a “divert list” are diverted to a voice mail box without notifying the user). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Peters to include the features of sending an incoming call to a voice mail system without alerting the user of the incoming call based on the particular caller identification, as suggested by Irvin, since such a modification would allow the user to screen incoming calls and would prevent disturbing the user when receiving calls from a divert list.

And, Broussard teaches providing to a particular caller an specific voice mail announcement pre-selected for the particular caller sent to a voice mail system (Abstract; paragraphs [0032], [0041]-[0044]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the feature of providing to a particular caller an specific voice mail announcement pre-selected for the particular caller sent to a voice mail system, as suggested by Broussard, since such a modification would help the caller to decide whether or not to leave a message in the user's voice mail box because the voice mail announcement (i.e., greeting) contains information tailored for the caller (paragraph [0032] lines 14-18).

But, the combination does not particularly disclose the limitation of: based on the particular caller identification being on a particular date and at a particular time, making a determination that the automatic answering mode applies to the particular caller.

However, Weller teaches automatically answering a call based on the particular caller identification being on a particular date and at a particular time (Fig. 3; col. 25-62; col. 4, lines 11-57; an incoming call is automatically responded with an identified outgoing message when there is a match in caller identification and the call is within a time/date constraint listed, see figure 3). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the limitation of automatically answering a call based on the particular caller identification being on a particular date and at a particular time, as suggested by Weller, in order to increase the versatility with which incoming phone calls are handled (see Abstract).

**With respect to claim 2**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, in addition Peters discloses wherein said answering said incoming telephone call by providing the caller with the hold announcement further includes placing the wireless telephone in mute mode until the user has taken the incoming telephone call (Fig. 5 – step 510; Abstract, lines 11-end; paragraph [0007]; the phone places itself into mute mode).

**With respect to claim 3**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, in addition Peters discloses further comprising notifying said user of said incoming telephone call (Fig. 4-step 404; paragraph [0040] lines 1-9).

**With respect to claim 4**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 3, in addition Peters discloses wherein said notifying includes one or more of an audible noise, a vibration, and a light (paragraph [0040] lines 1-9).

**With respect to claim 8**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, in addition Peters discloses wherein input to said determination that an automatic mode applies to the incoming call includes a time of day associated with said telephone call (paragraph [0032]-[0033]; the phone may select a prerecorded message based on the time of the day).

**With respect to claim 9**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, in addition Peters discloses wherein input to said determination that an automatic answering mode applies to the incoming call includes an instruction from said user (paragraph [0034]).



**With respect to claim 10**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, in addition Peters discloses wherein input to said determination that a manual mode applies to the incoming call includes one or more of a Caller ID associated with said caller, a time of day associated with said telephone call and an instruction from said user (paragraph [0041]).

**With respect to claim 11**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, in addition Peters discloses wherein said pre-selected announcement action includes a hold announcement (paragraph [0007]; in automatic answering mode, the phone answers the incoming call by providing the calling party with a message indicating that the user will take the call momentarily and instructing the calling party not to hang-up (i.e., hold announcement)).

**With respect to claim 15**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, in addition Peters discloses wherein said pre-selected announcement action is created by said user (paragraph [0033]).

**With respect to claim 16**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, in addition Peters discloses wherein said hold announcement includes an indication that said user will take said call momentarily (paragraph [0007]; in automatic answering mode, the phone answers the incoming call by providing the calling party with a message indicating that the user will take the call momentarily).

**With respect to claim 17**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, in addition Peters discloses wherein said hold

announcement is pre-selected from a plurality of said hold announcements (paragraph [0033]; several messages are available on the phone and a particular message is selected).

**With respect to claim 18**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, in addition Peters discloses wherein said call-back announcement is pre-selected from a plurality of said call-back announcements (paragraph [0033]; several messages are available on the phone and a particular message is selected).

**With respect to claim 21**, Peters discloses a wireless telephone for providing selected status announcements from a wireless telephone user to a caller, said system comprising:

a receiver which receives an incoming telephone call from a caller (Fig. 2; reference 208); an automatic answering unit (Fig. 3; i.e., reference 316) in communication with said receiver and including instructions to implement a method comprising: receiving an incoming telephone call from a caller; responsive to a determination that an automatic answering mode applies to the incoming call: receiving a pre-selected announcement action corresponding to said incoming telephone call; and performing said pre-selected announcement action wherein if said pre-selected announcement action includes a hold announcement then answering said incoming telephone call by providing the caller with the hold announcement (Abstract; paragraphs [007], [0031]-[0033]; the wireless telephone receives an incoming call and then determines whether the user has placed the phone in automatic call answering mode (i.e., phone has automatic answering unit when placed in automatic call answering mode), then the phone answers the incoming call by providing the calling party with a pre-recorded message (i.e., pre-selected announcement) indicating that the user will take the call momentarily and instructing the calling party not to hang-up (i.e., hold announcement)), wherein the hold announcement is selected from a list

(paragraph [0033]; several messages may be available (i.e., list of messages) for selection by a user).

Peters does not particularly disclose wherein the list is sorted based on frequency of use.

However, Marutiak teaches the features of sorting a list based on frequency of use (Abstract, lines 1-12; col. 1, lines 40-55; a telephone terminal maintain a list of dialed telephone numbers and the list is sorted such that the most frequently used telephone numbers will be displayed at the top). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Peters to include the features of sorting the list of messages based on frequency of use, as suggested by Marutiak, since such a modification would facilitate the selection of a message from a list given that the most frequently used messages are displayed on top.

Peters, in addition discloses responsive to a determination that a manual answering mode applies to the incoming call: receiving a user-selected announcement action selected by said user from a list of announcement actions, said user-selected announcement action selected in response to receiving said incoming telephone call; and performing said user-selected announcement action including: if said user-selected announcement action includes said hold announcement then answering said incoming telephone call by providing the caller with the hold announcement; and if said user-selected announcement action includes a call-back announcement, then providing the caller with the call-back announcement and disconnecting the telephone call (paragraph [0041]);

and responsive to a particular caller identification associated with a particular caller, sending the incoming call to a voice mail system (paragraph [0034] lines 9-10; if the caller ID reveals a non-urgent call, the user can allow a voice mail system to answer the call).

But, Peters does not particularly disclose wherein the incoming call associated with a particular caller is sent to a voice mail system without alerting the user of the incoming call based on the particular caller identification; and

wherein the particular caller sent to the voice mail system without alerting the user is provided with a specific voice mail announcement pre-selected for the particular caller.

However, Irvin teaches sending an incoming call to a voice mail system without alerting the user of the incoming call based on the particular caller identification (Fig. 2; col. 4, lines 45-61; incoming calls with a caller ID number found in a “divert list” are diverted to a voice mail box without notifying the user). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Peters to include the features of sending an incoming call to a voice mail system without alerting the user of the incoming call based on the particular caller identification, as suggested by Irvin, since such a modification would allow the user to screen incoming calls and would prevent disturbing the user when receiving calls from a divert list.

And, Broussard teaches providing to a particular caller an specific voice mail announcement pre-selected for the particular caller sent to a voice mail system (Abstract; paragraphs [0032], [0041]-[0044]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the feature of providing to a particular caller an specific voice mail announcement pre-selected for

the particular caller sent to a voice mail system, as suggested by Broussard, since such a modification would help the caller to decide whether or not to leave a message in the user's voice mail box because the voice mail announcement (i.e., greeting) contains information tailored for the caller (paragraph [0032] lines 14-18).

But, the combination does not particularly disclose the limitation of: wherein the automatic answering unit is operative to make a determination that automatic answering mode applies to the particular caller based on the particular caller identification being on a particular date and at a particular time.

However, Weller teaches an automatic answering unit automatically answering a call based on the particular caller identification being on a particular date and at a particular time (Fig. 3; col. 25-62; col. 4, lines 11-57; an incoming call is automatically responded with an identified outgoing message when there is a match in caller identification and the call is within a time/date constraint listed, see figure 3). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the limitation of the automatic answering unit automatically answering a call based on the particular caller identification being on a particular date and at a particular time, as suggested by Weller, in order to increase the versatility with which incoming phone calls are handled (see Abstract).

**With respect to claim 24**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the system of claim 22, in addition Peters discloses wherein said network is a public switched telephone network (paragraph [0014]).

**With respect to claim 25**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the system of claim 22, in addition Peters discloses wherein said network is an internet protocol network (paragraph [0014]).

7. **Claims 5, 6 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over PETERS et al. in views of IRVIN, MARUTIAK, BROUSSARD et al., WELLER et al., and RUTLEDGE et al. (US 2002/0142756 A1).

**With respect to claims 5-6**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, but the combination does not particularly disclose further comprising reminding said user that said caller is on hold in response to said user providing the caller with the hold announcement, and wherein said reminding said user that said caller is on hold includes a vibration.

However, Rutledge teaches a telephone answering system that allows the user of a phone to provide a caller with a hold announcement and reminding said user that said caller is on hold, wherein said reminding said user that said caller is on hold includes a vibration (paragraphs [0019]-[0020] and [0025]; the user of the phone presses a button that sends a message to the caller instructing the caller to hold the line and the call will be picked up shortly, and the phone provides a light or other alert means to remind the recipient of the holding call). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include further comprising reminding said user that said caller is on hold in response to said user providing the caller with the hold announcement, and wherein said reminding said user that said caller is on hold includes one or more of an audible noise, a

vibration, and a light, as suggested by Rutledge, to prevent the recipient from inadvertently forget about the caller in hold.

The combination does not expressly disclose reminding the user via a vibration mechanism. However, Rutledge teaches that besides light, other alert means can be used (see paragraph [0020]).

The Examiner takes official notice of the fact that “a vibration” is a notoriously and well known alert means used in mobile telephones and therefore, it would have been obvious to a person having ordinary skill in the art to include a vibration means in order to remind a user about a call in hold, since it would alert a user without disturbing other persons in the vicinity.

**With respect to claim 12**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, but the combination does not particularly disclose wherein said pre-selected action includes a call-back announcement.

However, Rutledge teaches a telephone answering system that includes call-back announcements (Abstract; paragraphs [0024]-[0025]; the system allows a recipient of a phone call to select a desired greeting informing the caller that the call cannot be taken at this time and providing an indication of when to expect a return call, such as: “I’m sorry, I can’t pick up the phone right now, but please leave your number and I’ll call back in ((n-10x10) minutes”). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include call back announcements, as suggested by Rutledge, in order to inform the caller that the call cannot be taken at the time but to expect a call from the recipient at a later time.

8. **Claims 13, 14, 19, 20, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over PETERS et al. in views of IRVIN, MARUTIAK, BROUSSARD et al., WELLER et al., and BREMER (US 6,018,671).

**With respect to claims 13-14**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, but the combination does not particularly disclose wherein said pre-selected announcement action includes a voice mail announcement and wherein said performing said pre-selected announcement action includes providing said caller with a recorded announcement and directing said call to said voice mail system.

However, Bremer teaches a wireless telephone that plays pre-recorded reply messages/announcements to a calling party including a voice mail announcement and announcement directing said call to said voice mail system (Abstract; col. 3, line 60-col. 4, lines 1-4; the recipient of the incoming call can reply with pre-recorded reply messages telling the caller that the called party can not answer soon, but the caller can leave a message and/or a message giving the caller the option to forward the call to a network voice mail system). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combination to include a voice mail announcement and a recorded announcement directing said call to a voice mail system, as suggested by Bremer, to inform the caller that the called party is unavailable or can not answer soon, but the caller can leave a message.

**With respect to claims 19-20**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method of claim 1, but the combination does not particularly disclose wherein said performing said user-selected announcement action further includes if said user-



selected announcement action includes a voice mail announcement, then directing said call to said voice mail system including specifying said voice mail announcement; and wherein said performing said user-selected announcement action further includes if said user-selected announcement action includes a voice mail announcement, then providing said caller with a recorded announcement and directing said call to said voice mail system.

However, Bremer teaches a wireless telephone that plays pre-recorded reply messages/announcements to a calling party including a voice mail announcement and announcement directing said call to said voice mail system (Abstract; col. 3, line 60-col. 4, lines 1-4; the recipient of the incoming call can reply with pre-recorded reply messages telling the caller that the called party can not answer soon, but the caller can leave a message and/or a message giving the caller the option to forward the call to a network voice mail system). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combination to include a voice mail announcement and a recorded announcement directing said call to a voice mail system, as suggested by Bremer, to inform the caller that the called party is unavailable or can not answer soon, but the caller can leave a message.

**With respect to claim 23**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the system of claim 22, but the combination does not particularly disclose wherein said performing said pre-selected announcement action further includes if said user-selected announcement action includes a voice mail announcement, then directing said call to said voice mail system.

However, Bremer teaches a wireless telephone that plays pre-recorded reply messages/announcements to a calling party including a voice mail announcement and directing said call to said voice mail system (Abstract; col. 3, line 60-col. 4, lines 1-4; the recipient of the incoming call can reply with pre-recorded reply messages telling the caller that the called party can not answer soon, but the caller can leave a message and/or a message giving the caller the option to forward the call to a network voice mail system). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combination to include wherein said performing said pre-selected announcement action further includes if said user-selected announcement action includes a voice mail announcement, then directing said call to said voice mail system, as suggested by Bremer, to inform the caller that the called party is unavailable or can not answer soon, but the caller can leave a message.

9. **Claims 27-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over PETERS et al. in views of IRVIN, MARUTIAK, BROUSSARD et al., WELLER et al., and BROWN et al. (US 7,010,288 B2).

**With respect to claims 27-29**, the combination of Peters, Marutiak, Irvin, Broussard, and Weller disclose the method (wireless telephone and system) of claims 1, 21, and 22, but the combination does not particularly disclose wherein the automatic answering mode includes a list of tailored announcements that cover user specific situations and each of the announcements is named.

However, Brown teaches an automatic answering system that includes a list of tailored announcements that cover user specific situations and each of the announcements is named (Fig. 7; col. 7, line 25 – col. 8, lines 1-18). Therefore, it would have been obvious to a person having

ordinary skill in the art at the time of the invention, to modify the combination to include a list of tailored announcements that cover user specific situations, as suggested by Brown, since such a modification would allow the selection of an answering message depending on the activity of the user, thus, providing a more flexible solution than voice mail systems.

10. **Claim 30** is rejected under 35 U.S.C. 103(a) as being unpatentable over WELLER et al. in view of BROWN et al.

**With respect to claim 30**, Weller discloses the computer apparatus of claim 26, but does not particularly disclose wherein the automatic answering mode includes a list of tailored announcements that cover user specific situations and each of the announcements is named.

However, Brown teaches an automatic answering system that includes a list of tailored announcements that cover user specific situations and each of the announcements is named (Fig. 7; col. 7, line 25 – col. 8, lines 1-18). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Weller to include a list of tailored announcements that cover user specific situations, as suggested by Brown, since such a modification would allow the selection of an answering message depending on the activity of the user, thus, providing a more flexible solution than voice mail systems.

11. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over PETERS et al. in views of IRVIN, MARUTIAK, BROUSSARD et al., and RODERIQUE (US 6,941,131).

**With respect to claim 7**, the combination of Peters, Marutiak, Irvin, and Broussard disclose the method of claim 1, wherein in said determination that an automatic answering mode applies to the incoming call, input to said determination that an automatic answering mode

applies to the incoming call includes a Caller ID associated with said caller (paragraph [0032]-[0034]; the user may select an automatic answer mode based on the identity of the caller).

But, Peters does not expressly disclose wherein the automatic answering unit determines that the automatic answering mode applies to the incoming call based the Caller ID of the caller.

However, Roderique teaches wherein an automatic answering unit determines that an automatic answering mode applies to the incoming call based on the Caller ID of the caller (col. 3, lines 7-23; col. 6, lines 46-61; the wireless communication device includes circuitry or a program (i.e., automatic answering unit) that determines when a call should be automatically answered using pre-recorded messages by determining whether a phone number of an incoming call is in a list of phone numbers that should be automatically answered). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Peters to include wherein an automatic answering unit determines that an automatic answering mode applies to the incoming call based on the Caller ID of the caller, as suggested by Roderique, in order to automatically answer an incoming call without user intervention.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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